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11 Attorneys for Plaintiff

12 BLACK + GOLD CORPORATION

13 **UNITED STATES DISTRICT COURT**

14 **EASTERN DISTRICT OF CALIFORNIA**

15 **FRESNO DIVISION**

16 BLACK + GOLD CORPORATION,

17 Plaintiff,

18 v.

19 LOBBLE ALLURING BLOOMS LLC,

20 Defendant.

Case No.:

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (INJUNCTIVE RELIEF
DEMANDED)**

Demand for Jury Trial

21 Plaintiff BLACK + GOLD CORPORATION by and through its undersigned counsel, brings
22 this Complaint against Defendant LOBBLE ALLURING BLOOMS LLC for damages and
23 injunctive relief, and in support thereof states as follows:

24 **SUMMARY OF THE ACTION**

25 1. Plaintiff BLACK + GOLD CORPORATION (“B+G”) brings this action for
26 violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute
27 B+G’s original copyrighted Work of authorship.

2. BLACK + GOLD is a creative social media and photography marketing agency. Their goal is to elevate brand narratives with custom photography and grow social media accounts through a curated, data-driven approach to management. B+G's full suite of services also includes social media ad management and micro-influencer development, and social content production. They work with brands spanning a diverse range of consumer product goods, from fashion to beauty to wellness and beyond.

3. Defendant LOBBLE ALLURING BLOOMS LLC (“Lobble”) is a girls clothing online retailer that specializes in fashionable girl clothes for babies to pre-teens including accessories, active wear, outfit sets and skirts. At all times relevant herein, Lobble owned and operated the internet website located at the URL <https://www.lobblegirlsclothing.com/> (the “Website”).

4. B+G alleges that Lobble copied B+G's copyrighted Work from the internet in order to advertise, market and promote its business activities. Lobble committed the violations alleged in connection with Lobble's business for purposes of advertising and promoting sales to the public in the course and scope of the Lobble's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in California.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Lobble Alluring Blooms LLC is a California Limited Liability Company, with its principal place of business at 545 East San Ramon Avenue, Fresno, California, 93710, and can be

1 served by serving its Registered Agent, Incorp Services, Inc., 5716 Corsa Avenue, Suite 110,
2 Westlake Village, California, 91362.

3 **THE COPYRIGHTED WORK AT ISSUE**

4 10. In 2016, B+G created the photograph, through a work for hire agreement, entitled
5 1227_Blu&Blue0067, which is shown below and referred to herein as the “Work”.



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20 11. B+G registered the Work with the Register of Copyrights on December 20, 2019 and
21 was assigned the registration number VA 2-191-965. The Certificate of Registration is attached
22 hereto as Exhibit 1.

23
24 12. At all relevant times B+G were the owner of the copyrighted Work at issue in this
25 case.

26 **INFRINGEMENT BY DEFENDANT**

27
28 13. Lobble has never been licensed to use the Work at issue in this action for any
purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Lobble copied the Work.

15. On or about January 24, 2022, B+G discovered the unauthorized use of its Work as the feature image on About Us page of its Website.

16. Lobble copied B+Gs' copyrighted Work without B+G's permission.

17. After Lobble copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its girls' clothing retail business.

18. Lobble copied and distributed B+G's copyrighted Work in connection with Lobble's business for purposes of advertising and promoting Lobble's business, and in the course and scope of advertising and selling products and services.

19. B+G's works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

20. Lobble committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

21. B+G never gave Lobble permission or authority to copy, distribute or display the Work at issue in this case.

22. B+G notified Lobble of the allegations set forth herein on February 8, 2022 and March 2, 2022. To date, Lobble has failed to respond to B+G's Notices.

COUNT I
COPYRIGHT INFRINGEMENT

23. B+G incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. B+G owns a valid copyright in the Work at issue in this case.

25. B+G registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Lobble copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without B+G's authorization in violation of 17 U.S.C. § 501.

27. Lobble performed the acts alleged in the course and scope of its business activities.

28. Lobble's acts were willful.

29. B+G have been damaged.

30. The harm caused to B+G has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendant Lobble Alluring Blooms LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504:

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Plaintiff be awarded such other and further relief as the Court deems just and proper;
and

JURY DEMAND

Plaintiff Black + Gold Corporation hereby demands a trial by jury of all issues so triable.

DATED: August 24, 2022

Respectfully submitted,

/s/ *Jonah A. Grossbardt*

JONAH A. GROSSBARDT

MATTHEW L. ROLLIN

SRIPLAW

Attorneys for Plaintiff Black + Gold Corporation